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EXAMINER

TRAN, DOUGLAS Q

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/345,482

Applicant(s)

UEDA ET AL.

Examiner

Douglas Q. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 7-13 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Aiello, Jr. et al. (US Patent No. 6,337,745).

As to claim 1, Aiello teaches a printer selecting device (i.e., a server) comprising:

Accepting means (i.e., input receiver) for accepting information representative of a desired number of printings input (i.e., a print job, col. 2, lines 53-55);

Selecting means (i.e., a controller including a selector) for selecting an adequate one of a plurality of printers matching with the desired number of printings (i.e., the print job's set-up) (col. 2, lines 30-32; the printer is selected based on the set-up information of the input matching with the set-up printer information);

Data outputting means (i.e., a queue manager) for outputting image data to be printed to the printer selected by the selecting means (col. 2, lines 57-59).

As to claim 7, Aiello teaches that displaying means for causing a display to show the printer selected by the selecting means (col. 8, lines 35-38).

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As to claim 8, Aiello teaches that the displaying means displays the printer such that another printer can be substituted for the printer, as desired (col. 9, lines 5-8).

As to claim 9, Aiello teaches that when the stencil printer is selected printer is selected printer is advantageous in printing cost than the other printers (col. 1, lines 51-52).

As to claim 10, Aiello teaches that the displaying means displays the printer such that another printer can be substituted for the printer, as desired (col. 9, lines 5-8).

As to claim 11, Aiello teaches a printer selecting device (i.e., a server) comprising:

Accepting means (i.e., input receiver) for accepting information representative of a desired number of printings input (i.e., a print job, col. 2, lines 53-55);

Operating and displaying means (i.e., graphical user interface, col. 2, line 24) for displaying on an operation and display section a plurality of printers together with printer by printer additional information for decision and based on the desired number of printings in such a manner that any one of the plurality of printers can be selected (col. 2, lines 26-34); and

Data outputting means (i.e., a queue manager) for outputting image data to be printed to the printer selected on the operation and display section (col. 2, lines 57-59).

As to claim 12, Aiello teaches that the printer by printer additional information include at least one of a printing cost for a single printing, a printing time, and an image quality level (col. 8, lines 45-55).

As to claim 13, Aiello teaches that

At least one image data supply device (the source computer for outputting image data to be printed (i.e., print jobs, col. 1, line 61);

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At least one number setting device (i.e., GUI for setting condition for printing) for setting a desired number of printings (col. 2, lines 26-35);

A plurality of different kinds of printers (62 in fig. 3) each being capable of printing the image data received from the at least one image data supply device; and

a printer selecting device (i.e., a server) comprising accepting means (i.e., input receiver) for accepting information representative of a desired number of printings input (i.e., a print job, col. 2, lines 53-55); selecting means (i.e., a controller including a selector) for selecting an adequate one of a plurality of printers matching with the desired number of printings (i.e., the print job's set-up) (col. 2, lines 30-32; the printer is selected based on the set-up information of the input matching with the set-up printer information); data outputting means (i.e., a queue manager) for outputting image data to be printed to the printer selected by the selecting means (col. 2, lines 57-59).

As to claims 17-19, Aiello teaches that at least one of printers comprises a multiplex processing machine (see 62 and 110 in fig. 3)

As to claim 20, Aiello teaches that the printer selecting device is constructed into an independent unit (i.e., a print server 52 in fig. 5).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2-6, and 14-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Aiello, in view of claims 1, and/or 13, and Shibusawa et al. (US Patent No. 6,088,120).

As to claim 2, Aiello teaches that when the plurality of printers include a stencil printer, the selecting means selects any type of printers in the network that would include a stencil printer (col. 1, lines 50-52).

However, Aiello does not explicitly teach selecting means selects the stencil printer if the desired number of printing is greater than a preselected reference number inclusive.

Shibusawa, in the same field of endeavor, teaches selecting means selects the physical printer (i.e., stencil printer) if the sum of sets of the attribute information is matched the condition of the table in a server (col. 3, lines 29-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the server 52 of Aiello for selecting the stencil printer based on the condition between the input attribute information from the user and the attribute information of the physical printer stored at the table in a server as taught by Shibusawa. The suggestion for modifying the print server of Aiello can be reasoned by one of ordinary skill in the art as set forth by Shibusawa because the server system is more reliable by automatically selecting the one of printers based on the condition information from between the user computer and printers.

As to claim 3, Aiello teaches that displaying means for causing a display to show the printer selected by the selecting means (col. 8, lines 35-38).

As to claim 4, Aiello teaches that the displaying means displays the printer such that another printer can be substituted for the printer, as desired (col. 9, lines 5-8).

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As to claim 5, Aiello teaches that when the stencil printer (i.e., any type of printers) is selected and displayed, the displaying means displays how much the stencil printer is advantageous in printing cost than the other printers (col. 1, lines 51-52).

As to claim 6, Aiello teaches that the displaying means displays the printer such that another printer can be substituted for the printer, as desired (col. 9, lines 5-8).

As to claim 14, Aiello teaches that at least one of the plurality of printers comprises a stencil printer (i.e., any type of printers, col. 1, lines 50-53).

As to claim 15, Aiello teaches that information representative of a printing cost particular to the stencil printer is capable of being freely set in the printer selecting means (col. 1, lines 50-56).

As to claim 16, teaches that the stencil printer is registered at the printer selecting device beforehand as an essential printer, and wherein when the stencil printer is not identified at the time of operation, the printer selecting device outputs a preselected message meant for an operator (col. 2, lines 25-34).

5. Claims 21-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Aiello and Shibusawa et al. (US Patent No. 6,088,120).

As to claim 21, Aiello teaches:

At least one image data supply device (the source computer for outputting image data to be printed (i.e., print jobs, col. 1, line 61);

At least one number setting device (i.e., GUI for setting condition for printing) for setting a desired number of printings (col. 2, lines 26-35);

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A plurality of different kinds of printers (62 in fig. 3) each being capable of printing the image data received from the at least one image data supply device; and

a printer selecting device (i.e., a server) comprising accepting means (i.e., input receiver) for accepting information representative of a desired number of printings input (i.e., a print job, col. 2, lines 53-55); selecting means (i.e., a controller including a selector) for selecting an adequate one of a plurality of printers matching with the desired number of printings (i.e., the print job's set-up) (col. 2, lines 30-32; the printer is selected based on the set-up information of the input matching with the set-up printer information); data outputting means (i.e., a queue manager) for outputting image data to be printed to the printer selected by the selecting means (col. 2, lines 57-59).

However, Aiello does not explicitly teach selecting means selects the stencil printer if the desired number of printing is greater than a preselected reference number inclusive.

Shibusawa, in the same field of endeavor, teaches selecting means selects the physical printer (i.e., stencil printer) if the sum of sets of the attribute information is matched the condition of the table in a server (col. 3, lines 29-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the server 52 of Aiello for selecting the stencil printer based on the condition between the input attribute information from the user and the attribute information of the physical printer stored at the table in a server as taught by Shibusawa. The suggestion for modifying the print server of Aiello can be reasoned by one of ordinary skill in the art as set forth by Shibusawa because the server system is more reliable by automatically selecting the one of printers based on the condition information from between the user computer and printers.



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As to claims 22-24, due to these claims to those of claims 14-16, these claims are rejected as the reasons to claims 14-16.

As to claims 25-27, Aiello teaches that at least one of printers comprises a multiplex processing machine (see 62 and 110 in fig. 3)

As to claim 28, Aiello teaches that the printer selecting device is constructed into an independent unit (i.e., a print server 52 in fig. 5).

As to claim 29, Aiello teaches:

At least one image data supply device (the source computer for outputting image data to be printed (i.e., print jobs, col. 1, line 61);

At least one number setting device (i.e., GUI for setting condition for printing) for setting a desired number of printings (col. 2, lines 26-35);

A plurality of different kinds of printers (62 in fig. 3) each being capable of printing the image data received from the at least one image data supply device; and

a printer selecting device (i.e., a server) comprising accepting means (i.e., input receiver) for accepting information representative of a desired number of printings input (i.e., a print job, col. 2, lines 53-55); selecting means (i.e., a controller including a selector) for selecting an adequate one of a plurality of printers matching with the desired number of printings (i.e., the print job's set-up) (col. 2, lines 30-32; the printer is selected based on the set-up information of the input matching with the set-up printer information); data outputting means (i.e., a queue manager) for outputting image data to be printed to the printer selected by the selecting means (col. 2, lines 57-59).

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However, Aiello does not explicitly teach selecting means selects the stencil printer if the desired number of printing is greater than a preselected reference number inclusive.

Shibusawa, in the same field of endeavor, teaches selecting means selects the physical printer (i.e., stencil printer) if the sum of sets of the attribute information is matched the condition of the table in a server (col. 3, lines 29-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the server 52 of Aiello for selecting the stencil printer based on the condition between the input attribute information from the user and the attribute information of the physical printer stored at the table in a server as taught by Shibusawa. The suggestion for modifying the print server of Aiello can be reasoned by one of ordinary skill in the art as set forth by Shibusawa because the server system is more reliable by automatically selecting the one of printers based on the condition information from between the user computer and printers.

As to claims 30-36, due to the similarities of these claims to those of claims 22-28, these claims are rejected as the reasons to claims 22-28.

#### ***Examiner's Remarks***

Taniguchi et al. (U.S. Patent No. 6,348,972) discloses in each printer, a host is selected in which print data is generated, a request is made to the host to be transmitted the print data, and a document is printed based on the received print data.

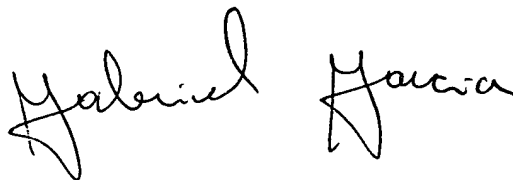
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***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (703) 305-4857 or E-mail address is Douglas.tran@uspto.gov.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Douglas Q. Tran  
Dec. 02, 2002

A handwritten signature in black ink, appearing to read "Gabriel Garcia". The signature is written in a cursive, flowing style with a large initial "G" and a distinct "Garcia" at the end.

**GABRIEL GARCIA  
PRIMARY EXAMINER**